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E-filed 5/6/05

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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN JOSE DIVISION

16 HEWLETT-PACKARD COMPANY,
17 HEWLETT-PACKARD DEVELOPMENT
18 COMPANY, L.P., COMPAQ
19 COMPUTER CORPORATION,

19 Plaintiffs/Counterdefendants,

20 v.

21 EMC CORPORATION,

22 Defendant/Counterclaimant.

Case No: C 02-04709 JF (HRL)

**STIPULATION FOR DISMISSAL OF ACTION
WITH PREJUDICE (FRCP RULE 41) AND
ORDER THEREON**

1 Plaintiffs/Counterclaim Defendants Hewlett-Packard Company, Hewlett-Packard
2 Development Company LP, and Compaq Computer Corporation and Defendant/Counterclaimant
3 EMC Corporation, through their respective counsel of record, hereby stipulate as follows:

- 4 1. This action and all claims and counterclaims asserted therein are dismissed with
5 prejudice;
6 2. Each party shall bear its own costs and attorney's fees; and
7 3. This Stipulation shall be made an Order of the Court.

8
9 Dated: May 3, 2005

BARTLIT BECK HERMAN PALENCHAR &
SCOTT LLP

11
12 By /s/ Christopher D. Landgraff /s/
Christopher D. Landgraff
13 Attorneys for Plaintiffs/Counterdefendants

14 Dated: May 3, 2005

ORRICK, HERRINGTON & SUTCLIFFE LLP

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16
17 By /s/ Todd M. Briggs /s/ for
Chris R. Ottenweller
18 Attorneys for Defendant/Counterclaimant

19
20 I, Todd M. Briggs, am the ECF User whose identification and password are being
21 used to file this Stipulation for Dismissal of Action with Prejudice (FRCP 41) and [Proposed]
22 Order Thereon. Pursuant to General Order 45.X.B, I hereby attest that Christopher D. Landgraff
23 of Bartlit Beck Herman Palenchar & Scott LLP, counsel for Hewlett-Packard Company, Hewlett-
24 Packard Development Company, L.P., and Compaq Computer Corporation, has concurred in this
25 filing.

26 By /s/ Todd M. Briggs /s/
Todd M. Briggs
27
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ORDER

On the stipulation of the parties and good cause appearing therefor,

IT IS ORDERED that this action (Case No: C 02-04709 JF (HRL)) and all claims and counterclaims asserted therein are dismissed with prejudice. Each party shall bear its own costs and attorneys' fees.

Dated: 5/6/05

/s/electronic signature authorized

The Honorable Jeremy Fogel
United States District Judge